

An
Coimisiún
Pleanála

Commission Order
PL-500957-KY-26-

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 2560068

Appeal by Peter Malone and Eileen O'Sullivan against the decision made on the 13th day of February, 2026 by Kerry County Council to grant subject to conditions a permission to Drioglann Uisce Beatha Dhaingean U Chuis Teoranta in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Retention of installed first floor area in Distillery Production Building 183 square metres consisting of: staff kitchen 12.7 square metres, shop with tasting bar 26.9 square metres; visitor area 143.4 square metres, (2) Visitor Centre use on site and planning permission for (1) partial demolition of single storey projecting elements on south side (103 square metres), (2) upgrade/replacement of external cladding (including reconfiguration of openings), (3) internal layout modifications, (4) additional 323 square metres at upper level (including visitor use), (5) change of use of 59 square metres of lower level production area to retail, (6) change of use of

12 square metres of lower level production area to open office area, (7) change of use from permitted storage (upper shed) 412 square metres to proposed industrial use (Distilling and ancillary storage,) (8) new retail area at lower level 142 square metres, (9) two new (8.8 metres high) freestanding steel grain storage silos to front, (10) connection of sewage system to mains (to replace septic tanks), (11) landscaping, (12) bicycle, car and bus parking provision on site and all associated site ancillary works, all at the Dingle Distillery, Old Mill, Milltown, County Kerry, (also drainage connection at Ballyhea Road Commons of Milltown, Dingle, County Kerry) as amended by the revised public notice received by the planning authority on the 17th day of January, 2026.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the planning history of the site and the established industrial use on the site, the site location and its connectivity with the town and access to public infrastructure, the pattern of development in the area and the provisions of the Kerry County Development Plan 2022-2028 which support the more efficient use of brownfield sites, the expansion of existing businesses and the sustainable development of tourism facilities, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the amenities of the area or of property in the

vicinity, would not undermine the policies for Dingle town, would not be prejudicial to the environment or public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In accordance with Section 177U of the Planning and Development Act 2000, as amended, the Commission considers that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites, including Dingle Peninsula SPA 004153, Blasket Islands SAC 002172 and Castlemaine Harbour SPA 004029, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The distance from the nearest European sites and lack of connections.
- The existing distillery use of the site.
- The qualifying interests and conservation objectives of the Dingle Peninsula SPA 004153, Blasket Islands SAC 002172 and Castlemaine Harbour SPA 004029.
- Consideration of the determination of the Planning Authority.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd day of December, 2025 and by An Coimisiún Pleanála on the 7th day of April, 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the wastewater collection network.

Reason: In the interest of public health and to ensure adequate wastewater facilities.

3. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate all the construction stage mitigation measures set out in Section 6 of the Ecological Impact Assessment received by the planning authority on the

23rd day of December, 2025, together with construction practice for the collection and disposal of construction waste, control of surface water run-off such that no silt or other pollutants enter local surface water sewers or drains from the site; invasive species management; construction lighting; and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interests of public safety, amenity and environmental protection.

4. (a) All recommendations set out in Section 6 of the Ecological Impact Assessment Report received by the planning authority on the 23rd day of December 2025 shall be implemented in full.
- (b) Prior to commencement of any works in and adjacent to Milltown River, the developer shall submit for the written agreement of the planning authority in consultation with Inland Fisheries Ireland, a method statement for the installation of the proposed foul rising main and any other works in proximity to the Milltown River. The method statement shall include details of appropriate buffer zones adequate to protect the river and flood zone from siltation or damage; details of the proposed timing of the works; and mitigation measures to be employed throughout the duration of the works (including prior to site clearance and excavation) to prevent

negative impacts on water quality of the Milltown River and the movement of migratory fish.

Reason: To protect the ecology and amenities of Milltown River.

5. (a) Waste generated on site, including by-products generated by the distillation process, shall be managed in accordance with the Waste Management Plan 1.3, received by the planning authority on the 23rd day of December, 2025, unless otherwise agreed in writing with the planning authority.
- (b) No distillation by-products (spent lees/washings, pot ale or draff) shall be discharged to waters.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment and the amenities of properties in the vicinity.

6. (a) The proposed wastewater pumping station/tank shall incorporate a suitable alarm system (both audible and visible) which shall activate in the event of any malfunction of the system.
- (b) Upon connection of the site to the public wastewater collection network, the existing septic tank(s) on site shall be removed or backfilled with inert material.

Reason: In the interests of public health, residential amenity and to prevent water pollution.

7. In order to safeguard the potential future addition of a footway/cycleway bridge on the upstream side of the existing masonry bridge across the Milltown River, the proposed route of the foul sewer which forms part of the application proposals (as indicated on drawing number 25866 MWP ZZ ZZ DR C 2001 Rev P01 received by the planning authority on the 23rd day of December, 2025) shall be offset a minimum distance of 20 metres from the bridge. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public amenity.

8. All water quality and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

9. During the operational phase of the proposed development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

Reason: To protect the residential amenities of property in the vicinity of the site.

10. Landscaping and Biodiversity planting measures for this site shall be carried out in accordance with the mitigation measures set out in Section 6 of the Ecological Impact Assessment and Landscape Plan, received by the planning authority on the 23rd day of December, 2025 and as updated by conditions of planning herein. All tree and shrub planting shall be native species only. All landscape/biodiversity planting shall be completed within 18 months of the completion of this development. Any trees/planting that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: To protect biodiversity.

11. (a) All external lighting on site shall be of a warm white colour, fitted and maintained with 'warm white spectrum' bulb type lighting with 2700K (degrees of Kelvin) or lower.
- (b) All external luminaires on site shall be mounted on the horizontal, not tilted, and shall have an upward ratio of 0%.
- (c) All external lighting fixtures shall be designed, orientated, maintained and of a lighting level such that light spillage outside the site boundary shall be minimised.
- (d) Prior to the commencement of development, revised external lighting details for the eastern car parking area, to address the recommended mitigation measure set out in Section 6.1.1.1 of the EclA which specifies low level lighting for car park areas, in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night), shall be submitted to and approved by the planning authority. The lighting shall be installed as agreed.

- (e) The operational hours of the external lighting on this site shall not extend beyond 2200 hours, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of protecting the residential amenities and biodiversity of the area.

12. In respect of traffic safety the following requirements shall apply:

- (a) All recommendations of the Stage 1 and 2 Road Safety Audit, received by the planning authority on the 23rd day of December 2025, shall be implemented in accordance with the written agreement of the planning authority.
- (b) Prior to the occupation of the proposed visitor, retail or extended industrial floor space areas of the development, the developer shall prepare a Stage 3 Road Safety Audit in accordance with current TII standards, and recommendations if any shall be completed in accordance with the written agreement of the planning authority.
- (c) Works adjacent to the public road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road.
- (d) All works adjacent to or on the public road shall be subject of the necessary road opening licence(s).
- (e) The developer shall ensure no earth, soil or other material from the site shall be deposited on the public road or footpath.

Reason: In the interest of traffic safety and to protect public property.

13. Prior to the commencement of development, the developer shall submit details of the materials, colours and textures of all the external finishes to the existing distillery buildings.

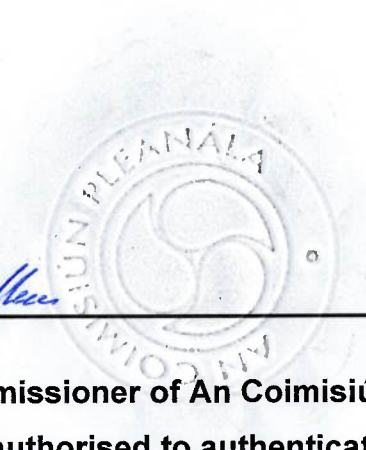
Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

14. The details of any proposed external signage to buildings or structures on site shall be submitted to and agreed in writing with the planning authority prior to the occupation of the proposed visitor, retail or extended industrial floor space areas of the development.

Reason: In the interest of visual amenity.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Declan Moore

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 9th day of JULY 2026